

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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ANTHONY ALEXANDER,

Petitioner,

v.

Case No. 05-CV-70732-DT

BARRY D. DAVIS,

Respondent.

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**ORDER DENYING MOTIONS FOR COPIES OF EXHIBITS AND DOCUMENTS**

Pending before the court are two motions filed by Petitioner Anthony Alexander: a “Motion for Copies of Exhibits and Documents Without Cost for Indigent Petitioner,” and a “Motion for Notification of Status for Copies of Exhibits and Documents Without Costs.” In his first motion, Petitioner asks for copies of “exhibits and documents,” but does not indicate which documents he seeks. (12/29/05 Mot. at 1.) In his second motion, Petitioner clarifies that he is requesting copies of the documents filed under Docket # 2 and Docket # 3. (2/1/06 Mot. at 1.) Further, Petitioner submitted a letter to this court on February 5, 2005, which has been filed as Docket # 11, in which he further asserts a need for these documents. The court has discretion to grant Petitioner’s request under 28 U.S.C. § 1915(c), but will decline to grant it in this case.

Petitioner initiated this action on February 25, 2005, challenging his extradition from Minnesota to Michigan. Because Petitioner had previously brought a habeas corpus petition challenging the extradition, which was denied by the Honorable Paul V. Gadola in 2003, this court transferred his petition to the Sixth Circuit Court of Appeals as a second or successive habeas petition pursuant to 28 U.S.C. §2244(b). (See

4/07/05 Order.) On December 19, 2005, the Sixth Circuit issued its order, finding that Petitioner had not met the requirements for filing a second habeas petition under 28 U.S.C. § 2244, and holding this court was therefore not authorized to hear his February 25, 2005 petition. (See 12/19/05 Order at 2-3.)

In his current motions, Petitioner asks for copies of the exhibits to his habeas petition, “so the [P]etitioner can refile pursuant to 28 U.S.C. § 2244.” (12/29/05 Mot. at 1.) Petitioner further indicates he needs these documents in order to “meet [his] obligation with the Sixth Circuit Court of Appeals” and “satisfy the obligations pursuant to Sixth Circuit Rule 22.” Federal Rule of Appellate Procedure 22, and Sixth Circuit Internal Operating Procedure 22 both generally address habeas corpus petitions, but the court can discern nothing in either of those two rules, or the Sixth Circuit’s December 29, 2005 Order, which impose any kind of obligation on Petitioner.

Even if there were such an obligation, Petitioner has failed to provide any reasoned explanation as to why he needs copies of these documents, at the court’s expense, when the documents he seeks are exhibits that he filed in the first place. Moreover, given the Sixth Circuit’s decision not to authorize adjudication of his current habeas petition, the court is dubious about the necessity of filing an additional § 2244 petition which will presumably be based on the same underlying documents. While it is certainly Petitioner’s choice whether to file another petition, the court is not persuaded of the urgency or import of the requested documents, given the Sixth Circuit’s December 19, 2005 Order and Petitioner’s lack of explanation of the need for an additional § 2244 petition based on these documents. The documents he requests total 371 pages and, while the court recognizes Petitioner’s *in forma pauperis* status,

Petitioner has not convinced the court that the documents are necessary in order to justify the expense such copying would entail. Accordingly,

IT IS ORDERED that Petitioner's "Motion for Copies of Exhibits and Documents Without Cost for Indigent Petitioner" [Dkt. # 9] and "Motion for Notification of Status for Copies of Exhibits and Documents Without Costs" [Dkt. # 10] are DENIED.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: February 15, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 15, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522